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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 CANAL PROPERTIES, LLC, a California  
9 Limited Liability Company

No. C 04-03201 SI

10 Plaintiff,

**ORDER DENYING 60 DAY EXTENSION  
OF TIME AND ADJUSTING BRIEFING  
SCHEDULE**

v.

11 ALLIANT TAX CREDIT V, INC., a Florida  
12 Corporation, ALLIANT TAX CREDIT FUND V  
13 LIMITED PARTNERSHIP, a Massachusetts,  
DOES 1-50 inclusive,

14 Defendants.  
\_\_\_\_\_ /

15 On June 28, 2005, this Court stayed this action (“*Canal II*”), pending resolution of the appeal  
16 in the related action, *Canal Properties, LLC v. Alliant Tax Credit V, Inc., et al.*, No. C 02-1871 SI  
17 (“*Canal I*”). Defendants’ then-pending motion for judgment on the pleadings in *Canal II* was denied  
18 without prejudice to renewal after decision on the appeal of *Canal I*.

19 On March 13, 2006, while the appeal was still pending, the Court granted the motion filed by  
20 plaintiff’s then counsel, Meis & Alexander, for an order permitting their withdrawal as counsel. The  
21 order allowing withdrawal was effective on April 12, 2006, or when new counsel substituted in for  
22 Canal, whichever date was earlier. No new counsel was substituted, although the order specifically  
23 advised Mr. Andrew Wiecks, managing partner of Canal, that Canal could not appear in this Court  
24 without counsel and that, if Canal did not retain new counsel, Canal would be unable to oppose any  
25 motions.

26 Approximately a year later, the appeal in *Canal I* was completed. Hence, on March 14, 2007,  
27 this Court ordered a briefing schedule for defendants’ renewed motion for judgment on the pleadings.  
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1 As the docket did not reflect the appearance of new counsel for Canal in this action, Mr. Wiecks was  
2 again reminded that Canal cannot appear in this court without counsel.

3 According to the March 14, 2007 order, Canal's response to the renewed motion for judgment  
4 on the pleadings was due April 13, 2007. It was not filed. Instead, on April 12, 2007, Mr. Wiecks sent  
5 a letter to the Court, received on April 16, 2007, stating that "Canal Properties LLC would like to  
6 request an extension of time to seek counsel" and requesting a 60 day extension. No explanation was  
7 offered for the one-year plus delay in seeking counsel, nor were any efforts to find counsel alluded to.

8 This pattern of delay has been characteristic of these duplicative cases since their outset. Canal  
9 has not even attempted to demonstrate good cause for the delay it now seeks, and defendants vigorously  
10 argue that it should be denied.

11 Accordingly, Canal's requested sixty day extension is DENIED. In light of the request,  
12 however, the Court ADJUSTS the briefing schedule for the motion for judgment on the pleadings as  
13 follows: **Canal's opposition papers may be filed, through counsel, on or before May 4, 2007;**  
14 **defendants' reply, if any, may be filed on or before May 11, 2007; and the hearing remains**  
15 **scheduled for Friday, May 18, 2007 at 9:00 a.m.**

16  
17 **IT IS SO ORDERED.**

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19 Dated: April 23, 2007



20 **SUSAN ILLSTON**  
21 United States District Judge  
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